IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 700/1999

PARSHA RAM Vs. RODARAM & ORS.

DATE: 03.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. D.V. Tholia for the petitioner.
Mr. Jainendra Jain, Public Prosecutor for the State.
Mr. Kamlendra Sihag for
Mr. Biri Singh for the accused-respondents.

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The present revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the order dated 02.04.99 passed by the Additional Sessions Judge No.2, Sikar in Criminal Revision No. 160/98- Todaram & Ors. Vs. State of Rajasthan, whereby the order dated 12.08.98 passed by the Civil Judge (Jr. Div.) & Judicial Magistrate, Laxmangarh, District Sikar in Criminal Case No. 94/97 has been quashed and set-aside and the accused-respondents have been discharged from the offence under Sections 420 and 420/120-B IPC.

Brief facts of the case are that the complainant petitioner filed a complaint in the Court stating therein that on 18.01.96 he purchased a tractor

from accused Todaram, respondent No.1 bearing registration No. RJ-23R-1056 and on the same day they executed an agreement regarding sale of the tractor. It was also stated in the complaint that respondent No.1 Todaram sold his tractor to the petitioner in the sum of Rs. 2,30,000/- and on the same day the petitioner gave a sum of Rs. 21,000/- in advance to the respondent No.1 and the tractor was handed over to the petitioner. It was also mentioned in the complaint that original copy of the agreement was kept in his possession and photocopy was given to the petitioner. It was also stated that on 08.02.96 petitioner and Nathuram went to the village of respondent No.1 and paid a sum of Rs. 47,000/- to him in presence of Kishan Lal and Nathuram and further on 09.03.96 the petitioner paid a sum of Rs. 14,000/- and the balance amount was to be paid in instalments as agreed between the parties.

It was further stated in the complaint that the original documents were not delivered to the petitioner by the accused as the accused took loan from the bank and the tractor was mortgaged in favour of the bank. It is observed that the tractor was jointly registered in the name of accused and his father, therefore, the complaint was lodged with the police and the police after investigation submitted final report

and the trial Court refused to accept the same and took cognizance of offence on 14.03.97 and after trial framed charges for the offence under Sections 420 and 420/120-B IPC vide order dated 12.08.98, which has been assailed by the accused by way of filing criminal revision before the Additional Sessions Judge No.2, Sikar without impleading the petitioner as a party and the same was allowed vide order dated 02.04.99 discharging the accused. Against this order of discharge, the petitioner preferred the present revision petition in the year 1999.

I have considered the submissions advanced on behalf of the learned counsel for the petitioner, learned Public Prosecutor for the State as well as learned counsel for the accused-respondents and have also gone through the relevant record and the judgment dated 02.04.99 passed in revision by the Additional Sessions Judge No.2, Sikar considering the final report submitted by the police, wherein it is stated that the petitioner himself has returned the tractor back as he was not able to make the payment of the balance amount and it is also stated in the statements recorded by the police under Section 161 Cr.P.C. It was also observed that the trial Court has not properly considered the objections filed against the final report and the order

passed by the trial Court cannot termed as speaking order, therefore, the revision petition filed by the accused-respondents has been allowed and the accused have been discharged from the offence under Sections 420 and 420/120-B IPC.

I find no illegality or error apparent on the face of the record and the petitioner is not able to make out any case which require any interference by this Court in the impugned order dated 02.04.99 passed by the Additional Sessions Judge No.2, Sikar.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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